

## **REMARKS**

The Final Office Action issued October 29, 2010, presents no grounds of rejection. Instead, the Examiner merely objects to the withdrawn claims as being directed to a non-elected invention. In addition, claims 1, 4, 20-26, 28, and 41-44 are objected to as containing non-elected subject matter.

With regards to claim 41, applicants disagree that this claim contained non-elected subject matter. This claim was directed specifically to the subject matter of elected Group 10, i.e., the compounds of Formula I wherein  $CAT^+$  is polymethine and  $Y^-$  is of Formula II-2.

In any event, by the above amendments, claim 1 is amended to correspond to prior claim 41. Thus, claim 1 is now directed to the elected subject matter of Group 10 of the Restriction. Claims 2-19, 27, 28, and 31-41 are cancelled. Claims 20-26 and 42-44 are amended to depend from claim 1.

Since the non-elected subject matter has been cancelled from the claims, entry of the amendments and allowance of the instant claims is respectfully requested.

Applicants reserve their rights to file divisional application(s) directed to the cancelled non-elected subject matter.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Brion P. Heaney/

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